

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Steven A. Rollinson,

PETITIONER

v.

Tim Riley, Warden, Tyger River Correctional
Institution,

RESPONDENT

C/A No. 4:12-cv-03259-TLW

Order

Petitioner Steven A. Rollinson, proceeding *pro se*, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. # 1.) On July 3, 2013, Respondent filed a motion for summary judgment. (Doc. #33.) Petitioner filed a one-page response to the motion. (Doc. #42.) On November 12, 2013, Magistrate Judge Rogers filed a Report and Recommendation (“Report”) (Doc. #44), recommending granting the motion for summary judgment. Petitioner filed objections on December 2, 2013. (Docs. #46, 51). This matter is now ripe for decision.

In reviewing the Magistrate Judge’s recommendation, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court’s review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge’s findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the Report and the objections. After careful review of the Report and the objections, the Court **ACCEPTS** the Report. (Doc. #44.) The Petitioner's objections are **OVERRULED**. (Docs. #46, 51.) Accordingly, Respondent's motion for summary judgment (Doc. #33) is **GRANTED** and Petitioner's motion for relief pursuant to § 2254 (Doc. #1) is **DENIED**. This action is hereby **DISMISSED**.

The Court has reviewed this petition in accordance with Rule 11 of the Rules Governing Section 2254 Proceedings. The Court concludes that it is not appropriate to issue a certificate of appealability as to the issues raised in this petition. Petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

February 26, 2014
Columbia, South Carolina